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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,930	05/15/2001	Matthias Wendt	PHDE000004	9926

7590 03/13/2002

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LEE, JINHEE J

ART UNIT	PAPER NUMBER
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2831

DATE MAILED: 03/13/2002

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/831,930	WENDT ET AL.
	Examiner Jinhee J Lee	Art Unit 2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
 5) Claim(s) ____ is/are allowed.
 6) Claim(s) 1-11 is/are rejected.
 7) Claim(s) ____ is/are objected to.
 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 11) The proposed drawing correction filed on ____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) The translation of the foreign language provisional application has been received.
 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

Items +D, -D, 25 and 31.

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

Specification

3. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer

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program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or

REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)

(e) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(f) BRIEF SUMMARY OF THE INVENTION.

(g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(h) DETAILED DESCRIPTION OF THE INVENTION.

(i) CLAIM OR CLAIMS (commencing on a separate sheet).

(j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Currently, the specification lacks section headings.

4. The disclosure is objected to because of the following informalities:

At page 2 line 19 according to the numbering on the left, "provided as insulations" is confusing. Examiner suggests, "provided as insulation" instead to clarify.

At page 3 lines 15-17, Brief Description of figures 4A and 4B is missing.

At page 4 lines 25-26, "that it is adequate for the opposite data transmission voltages occurring in the two wires 1 and 2, which voltages are, however, relatively small" is confusing.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claims 3-5, 7-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitation "an insulation" in lines 2-3. This is confusing.

Claim 4 recites the limitation "that only of the" in line 1. This is confusing.

Claim 4 recites the limitation "an insulation" in line 3. This is confusing.

Claim 5 recites the limitation "an insulation" in line 2. This is confusing.

Claim 7 recites the limitation "each has" in line 2. This is confusing.

Claim 7 recites the limitation "the two network connections" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "the outer insulation" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the two wires" in line 2. There is insufficient antecedent basis for this limitation in the claim. This limitation is also stated in claim 9, line 3.

Claim 10 recites the limitation "the network connection" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the positive terminal" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the negative terminal" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the voltage source" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the chassis" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the vehicle" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Picandet (4621170).

Re claim 1, Picandet discloses a network connection comprising at least two wires (31,33) in a network, characterized in that the network connection has a symmetrical structure (see figures 2 and 3 top and bottom) and the two wires are twisted and mutually insulated and are suitable for data transmission and voltage source (column 1 lines 10-13 according to the numbering in the middle) (see figures 2 and 3).

Re claim 9, Picandet discloses use of a twisted double cable as a network connection in a network, in which both a symmetrical, differential data transmission via the two wires and an energy transfer from a terminal of a voltage source via the two

wires of the network connection is realized (31, 33 see figures 2 and 3, and column 5 line 27-29).

Re claim 10, Picandet discloses use of a cable having at least two twisted wires (31, 33) for electrically connecting network users in a network, wherein the network connection has a symmetrical structure (column 5 line 27-29), being mutually insulated for a symmetrical, differential data transmission, the two wires having same electrical resistance (column 5 line 28-29) and jointly having a cross-section (see figures 2 and 3).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 2-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Picandet in view of Nugent (6066799).

Re claim 2, Picandet substantially discloses a network connection as set forth in claim 1 above. Picandet does not explicitly disclose that only one wire is provided with an insulation. However, Nugent teaches of a network connection with only one wire provided with an insulation (see figures 1- 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the wires of Nugent on the network connection of Picandet in order to improve performance.

Re claim 3, the device of Picandet as modified by teachings of Nugent discloses the claimed invention except for the lacquer coating used as an insulation. It would have been an obvious to one having ordinary skill in the art at the time the invention was made to use the lacquer coating as the insulation, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Re claim 4, the device of Picandet as modified by teachings of Nugent discloses the claimed invention except for the synthetic material coating used as an insulation. It would have been an obvious to one having ordinary skill in the art at the time the invention was made to use the synthetic material coating as the insulation, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Re claim 5, note that the device of Nugent teaches of tubing used as an insulation.

Re claim 6, note that the device of Nugent teaches of stranded wires mutually insulated by means of an insulation (unnumbered) or a cladding of one of the stranded wires (see figure 14).

Re claim 7, note that the device of Nugent teaches of twisted wires in double form (unnumbered) (see figure 14).

Re claim 8; note that the device of Nugent teaches of an outer insulation (8) formed in such a way that the position of the two tires is visible in that wires the twisting of the two wires are interrupted (see figure 2).

12. Claim 11/1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Picandet in view of Marler (5869907).

Re claim 11, Picandet substantially discloses a network connection as set forth in claim 1 above. Picandet does not explicitly disclose that the positive terminal is coupled to the network users via the network connections and the negative terminal of the voltage source is coupled to the network users via the chassis of the vehicle. However, Marler teaches of a device with the positive terminal coupled to the network users via the network connections and the negative terminal of the voltage source coupled to the network users via the chassis of the vehicle (see column 9 lines 33-43). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the device with the positive terminal coupled to the network users via the network connections and the negative terminal of the voltage source coupled to the network users via the chassis of the vehicle of Marler on the network connection of Picandet in order to provide grounding.

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13. Claim 11/2-11/8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Picandet in view of Nugent, as applied to claims 2-8 above, and further in view of Marler.

Re claim 11, Picandet as modified by teachings of Nugent substantially discloses a network connection as set forth in claims 2-8, above. Picandet /Nugent does not explicitly disclose that the positive terminal is coupled to the network users via the network connections and the negative terminal of the voltage source is coupled to the network users via the chassis of the vehicle. However, Marler teaches of a device with the positive terminal coupled to the network users via the network connections and the negative terminal of the voltage source coupled to the network users via the chassis of the vehicle (see column 9 lines 33-43). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the device with the positive terminal coupled to the network users via the network connections and the negative terminal of the voltage source coupled to the network users via the chassis of the vehicle of Marler on the network connection of Picandet/Nugent in order to provide grounding.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Raw et al., Newmoyer et al. and Horie et al. are cited to show various components of wires and network connections.

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15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinhee Lee whose telephone number is 703-306-0154. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 703-308-3682. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3431 for regular communications and 703-305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

jjl

March 11, 2002

Dean A. Reichard 3/11/02
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